

**MARICOPA COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS MINUTE BOOK**

**FORMAL SESSION  
October 31, 2007**

The Board of Directors of the Flood Control District of Maricopa County, Phoenix, Arizona, convened in Formal Session at 9:00 a.m., October 31, 2007, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Fulton Brock, Chairman, District 1, Andrew Kunasek, Vice Chairman, District 3, Don Stapley, District 2, Max W. Wilson, District 4 and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board, Shirley Million, Minutes Coordinator, David Smith, County Manager, Victoria Mangiapane, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-no-absent-abstain.

**FCD-1. EASEMENTS AND RIGHT-OF-WAY ACQUISITION DOCUMENTS**

Motion was made by Director Stapley, seconded by Director Kunasek, and unanimously carried (5-0) to approve easements and right-of-way acquisition documents, appraisal and relocation assistance services contracts under \$5,000 per Resolution FCD 87-12; Escrow Instructions per Resolution FCD 87-13; Payment of Tax Notices per Resolution FCD 97-07; License Procedures and Fee Schedules per Resolution FCD2002R002; and disposal of easements, excess real property and fixtures under \$250,000 documents per FCD 1999R016 for Flood Control purposes. (ADM1910)

**Property Management – Elliot Road Drain and Detention Basins (Per Resolution FCD R1999016)**

Item No.: 9906.008 & 9906.009 – Termination of Temporary Construction Easement – from The Flood Control District of Maricopa County

**FCD-2. RESOLUTION - FLOODPRONE PROPERTIES ASSISTANCE PROGRAM FY 2007-2008 ACQUISITION**

Motion was made by Director Stapley, seconded by Director Kunasek, and unanimously carried (5-0) to adopt Resolution FCD 2007R008 - Floodprone Properties Assistance Program FY 2007-2008 Acquisition authorizing and directing the Chief Engineer and General Manager of the Flood Control District of Maricopa County (District) to obtain all necessary information for the purpose of initiating negotiations to acquire floodprone properties in accordance with the Floodprone Properties Assistance Program. The acquisitions will be based on voluntary acceptance of the offers by the applicants, which will be made according to ratings following the prioritization procedure previously approved by the Flood Control Advisory Board (FCAB) and Board of Directors, and within the available budget currently established at \$600,000. (C6908018600) (ADM1918)

**RESOLUTION FCD 2007R008**

**FLOODPRONE PROPERTIES ASSISTANCE PROGRAM  
FY 2007-2008 ACQUISITION**

**WHEREAS**, The Board of Directors approved Resolution FCD 95-01A on July 30, 2003, recorded with the Maricopa County Recorder's Office on August 5, 2003, which authorizes the District to amend the Alternative Flood Control Works Program as adopted in Resolution FCD 95-01, and authorizes the Chief Engineer and General Manager to utilize the Floodprone Properties Acquisition Program (FPAP) in place of the Alternative Flood Control Works Program; and,

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**WHEREAS**, The Board of Directors approved Resolution FCD 2006R003, Floodprone Properties Assistance Program, on October 4, 2006, which amended Resolution FCD 95-01A, the floodprone properties acquisition program, and allows for floodproofing of residential structures located in floodprone areas where standard structural or nonstructural CIP projects are determined to be unfeasible; and,

**WHEREAS**, The Chief Engineer and General Manager by Resolution FCD 2006R003 is also authorized to negotiate and prepare intergovernmental agreements with local jurisdictions for property acquisition under the FPAP; to update and revise the FPAP as required and present any proposed revisions to the Board of Directors for review and approval; and to include funds in the District's current and future five-year CIP Budgets for property acquisition under the FPAP, subject to prioritization by the District and subsequent approvals by the Board of Directors; and,

**WHEREAS**, the Strategic Plan for Maricopa County affirms the County's responsibility to protect its residents' health, safety and welfare; and,

**WHEREAS**, Arizona Revised Statutes Section 48-3616 directs the Flood Control District of Maricopa County (District) to survey flood problems and plan for and implement flood hazard mitigation programs; and,

**WHEREAS**, Arizona Revised Statutes Section 48-3603 grants authority to the Board of Directors of the District to acquire real and personal property within the boundaries of the District for the benefit of the District; and,

**WHEREAS**, on September 18, 2002, the Board of Director's adopted the District's Comprehensive Plan 2002, Flood Control Program Report identifying the Floodprone Properties Acquisition Program as a component of the District's Action Plan which details activities to protect properties from flooding.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors of the Flood Control District of Maricopa County authorizes and directs the Chief Engineer and General Manager of the District to obtain all necessary information for the purpose of initiating negotiations to acquire floodprone properties as listed on Exhibit "A" in accordance with the Floodprone Properties Assistance Program; and,

**BE IT FURTHER RESOLVED** that the acquisitions will be based on the applicant's voluntary acceptance of the offers, which will be made according to eligibility and ranking following the prioritization procedure previously approved by the Flood Control Advisory Board and Board of Directors, and within the available remaining funds in the FY 2007-2008 CIP Budget amount of \$600,000; and,

**BE IT FURTHER RESOLVED** that the Chief Engineer and General Manager is authorized and directed to periodically update Exhibit "A" during FY 2007-2008, by adding eligible floodprone properties, as defined in FPAP, and deleting properties whose owners have declined acquisition or are later determined ineligible. The Chief Engineer and General Manager is authorized to acquire additional properties within the approved budget amount. Additional property acquisitions requiring additional FY 2007-2008 funding must be approved by this Board.

**DATED** this 31<sup>st</sup> day of October 2007. (C6908018600)

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/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

Exhibit A, FY 2007-08 Floodprone Properties Eligible Applicants

<b>Maricopa County Assessor's Parcel No.</b>	<b>Location</b>	<b>Supervisor District</b>
202-11-023C	Maricopa County	3
401-28-004B	Maricopa County	5
505-14-019B	Wickenburg	4

**FCD-3. PURCHASE AGREEMENT AND SPECIAL WARRANTY DEED FOR THE SALE OF EXCESS LAND**

Motion was made by Director Stapley, seconded by Director Kunasek, and unanimously carried (5-0) to approve and authorize the Chairman of the Board of Directors of the Flood Control District of Maricopa County to sign the Purchase Agreement and Special Warranty Deed for the sale of excess land, a portion of Parcel No. 301-10-008E, to the Town of Guadalupe in the amount of \$1,316,000, which is the appraised value. (C6908021B00) (ADM1903-002)

**FCD-4. RESOLUTION FCD2007R007 PHOENIX DETENTION BASIN NO. 7 DAM REHABILITATION PROJECT**

Motion was made by Director Stapley, seconded by Director Kunasek, and unanimously carried (5-0) to approve Resolution FCD2007R007 Phoenix Detention Basin No. 7 Dam Rehabilitation Project, between the Flood Control District of Maricopa County and the City of Phoenix for District authorization to negotiate and prepare an intergovernmental agreement(s) to include cost sharing for the design and construction of a project to rehabilitate Phoenix Detention Basin No. 7 and to implement minor dam safety improvements at North Mountain Flood Detention No. 3, West Park Dam, and East Park Dam. (C6908022600) (ADM1900)

**RESOLUTION FCD 2007R007  
Phoenix Detention Basin No. 7  
Dam Rehabilitation Project**

**WHEREAS**, Arizona Revised Statutes Title 48, Chapter 21 allows the Flood Control District of Maricopa County (District) to cooperate and enter into appropriate agreements with political or municipal subdivisions with respect to flood control projects; and,

**WHEREAS**, the City of Phoenix owns and operates four flood control dams that are of sufficient height and storage capacity to be classified as jurisdictional by the Arizona Department of Water Resources (ADWR); and,

**WHEREAS**, the jurisdictional flood control dams are named Phoenix Detention Basin No. 7, North Mountain Flood Detention No. 3, West Park Dam, and East Park Dam; and,

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**WHEREAS**, dam safety studies performed by the City of Phoenix under cost share agreement IGA FCD2004A018, between the City of Phoenix and the District, recommended a project to rehabilitate Phoenix Detention Basin No. 7 and to implement minor dam safety improvements at North Mountain Flood Detention No. 3, West Park Dam, and East Park Dam; and,

**WHEREAS**, the City of Phoenix submitted a request to the District's 2007/2008 CIP Prioritization Procedure for these dam safety improvements, and the request scored well and was recommended.

**NOW, THEREFORE, BE IT RESOLVED** that the Flood Control District Board of Directors authorizes and directs the Chief Engineer and General Manager of the District to negotiate and prepare an intergovernmental agreement(s) (IGA) with the City of Phoenix, as appropriate, for cost sharing of; design and construction of a project to rehabilitate Phoenix Detention Basin No. 7 and to implement minor dam safety improvements at North Mountain Flood Detention No. 3, West Park Dam, and East Park Dam subject to the ratification and approval of this Board.

**DATED** this 31<sup>st</sup> day of October 2007. (C6908022600)

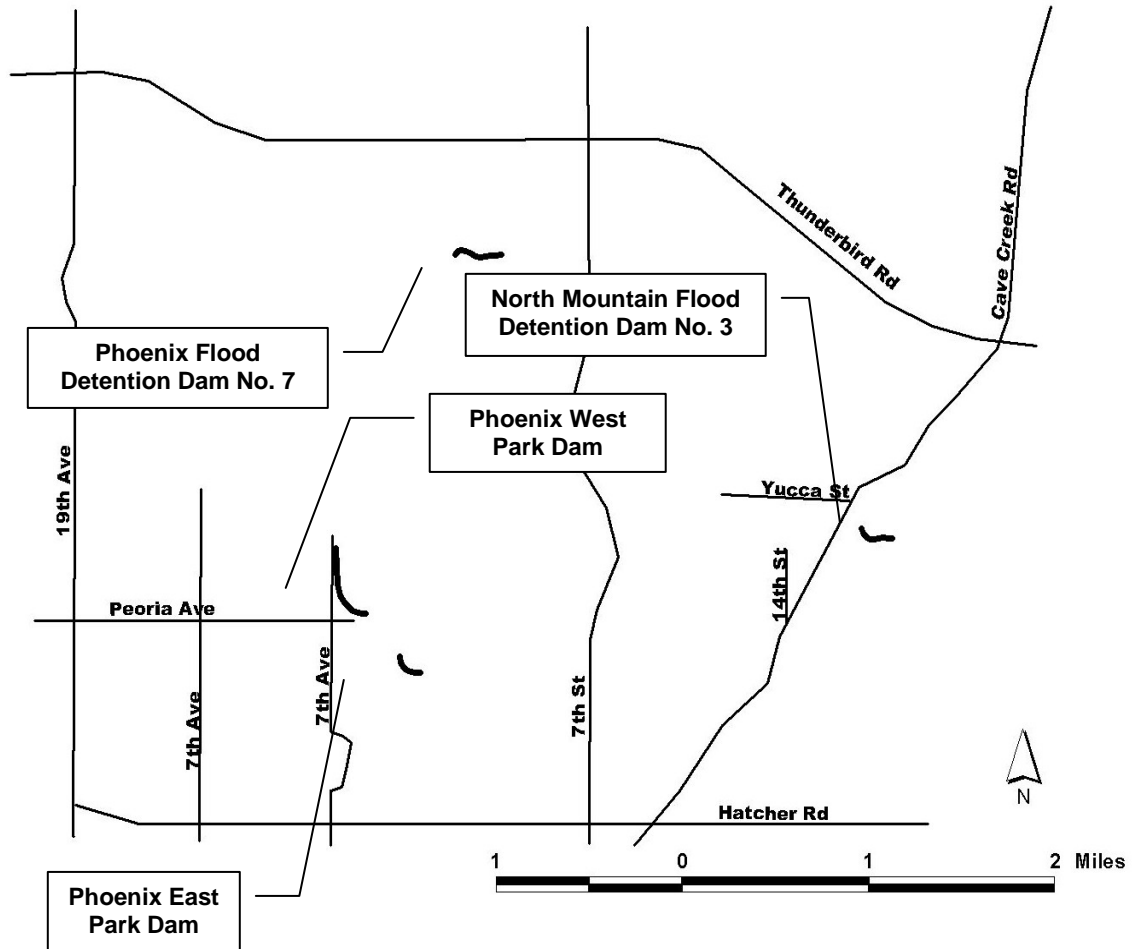
/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**Exhibit 1. City of Phoenix Jurisdictional Dam Site Map**

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#### FCD-5. ADJUSTMENTS TO THE FLOOD CONTROL DISTRICT FIVE-YEAR CIP

Motion was made by Director Stapley, seconded by Director Kunasek, and unanimously carried (5-0) to approve the following adjustments to the Flood Control District of Maricopa County (District) (690) FY 2008-2012 five-year Capital Improvement Program (CIP), which result in a net change of \$0: (C6908023800) (ADM1900-003)

Decrease Flood Control Capital Projects Fund (990) Year 1 (FY 2007-08) project expenditure budgets as follows:

Project Name	Number	Amount
F035	Town of Guadalupe	\$1,000
F120	Paradise Valley, Scottsdale, Phoenix	\$27,000
F130	Salt River Upstream of Indian Bend Wash	\$2,000
F207	Buckeye #1	\$312,000
F300	Spook Hill FRS	\$5,000

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F343	Wickenburg ADMS	\$650,000
F344	Wittmann ADMP	\$2,000
F345	Aguila	\$129,000
F346	Hassayampa River	\$26,000
F362	Skunk Creek	\$2,000
F400	Skunk Creek/New River	\$25,000
F442	East Mesa ADMP	\$26,000
F450	Glendale/Peoria ADMP	\$290,000
F480	Queen Creek ADMP	\$55,000
F565	Durango ADMP	\$634,000
F590	Scatter Wash Channel	\$38,000
F625	Metro ADMP	\$33,000

Increase Flood Control Capital Projects Fund (990) Year 1 (FY 2007-08) project expenditure budgets as follows:

<b>Project Number</b>	<b>Name</b>	<b>Amount</b>
Project Reserve (FCPR)		\$216,000
F117	South Phoenix Drainage Improvements	\$87,000
F126	Salt/Gila River	\$25,000
F202	McMicken Dam	\$316,000
F211	Buckeye/Sun Valley ADMP	\$7,000
F371	Upper New River	\$237,000
F420	Spook Hill ADMP	\$299,000
F470	White Tanks ADMP	\$855,000
F491	Higley ADMP	\$3,000
F520	Adobe Dam ADMP	\$9,000
F580	ACDC ADMP	\$106,000
F620	Maryvale ADMP	\$97,000

**MEETING ADJOURNED**

There being no further business to come before the Board, the meeting was adjourned.

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Fulton Brock, Chairman of the Board

ATTEST:

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Fran McCarroll, Clerk of the Board